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PERSONNEL POLICY
Fauquier County, Virginia

Effective Date:
9/1/86

Policy Title:
Rules of Employee Conduct

Section No.:
3

Supersedes:

I. CORRECTIVE ACTION POLICY

This policy is established to assure a fair and objective process for correcting or treating unacceptable employee conduct; to distinguish between less serious and more serious actions of employee misconduct; and to provide appropriate corrective action. Corrective action is limited to unacceptable employee conduct occurring only when employees are at work or when otherwise representing the County in an official or work related activity, unless otherwise specifically provided for in this procedure.

II. DEPARTMENTAL RULES AND REGULATIONS

Each department in Fauquier County, at its own discretion and to meet its particular and special needs, may establish rules and regulations in addition to and consistent with those contained herein, provided that the rules in this section are set forth as the maximum criteria. Such departmental rules must be approved by the County Administrator.

III. GROUPS OF OFFENSES

Unacceptable employee conduct shall be divided into three types of offenses according to their severity.

Active written notices for Group 1 offenses shall be cumulative in nature. Such written notices for purposes of corrective action shall remain "active" until 12 months have elapsed since the issuance of the last written notice.

The accumulation of active written notices regardless of the nature of the Group 1 offense may result in suspension without pay on the third active notice, but such suspension shall not exceed five workdays. A fourth active written notice will normally result in removal. If the circumstances warrant, appropriate supervisory authority may impose a more serious disciplinary action than indicated herein. For example, a law enforcement officer charged with sleeping on duty presents greater potential danger to the public security, safety and general welfare than when such misconduct is found in other positions. One such offense of such severity may result in termination.

A. Group One Offenses:

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|----------------|-----------------------------------|
| First Offense | - Verbal Reprimand |
| Second Offense | - Written Reprimand |
| Third Offense | - 2-5 Days Suspension Without Pay |
| Fourth Offense | - Dismissal |
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1. Neglect or carelessness in observation of departmental safety rules or disregard of common safety practices (such as improper driving, etc.)
 2. Mischievous actions such as horse play, wrestling or similar undesirable conduct;
 3. Creating or contributing to unsanitary conditions or unsafe conditions or poor housekeeping;
 4. Distracting the attention of others or causing confusion by unnecessary shouting, catcalls, or demonstrations;
 5. Failure to report any personal injury, auto or equipment damage to one's immediate supervisor within twenty-four (24) hours;
 6. Failure to use or wear proper safety equipment, as required;
 7. The use of obscene language toward fellow or subordinate employees, or supervisory employees;
 8. Sleeping during work hours;
 9. Loafing or idleness during work hours;
 10. Habitually arriving late for work;
 11. Failure to report for work unless the employee demonstrates that failure to report was reasonable. Employees absent three consecutive days without approval of their supervisor, are deemed to have resigned without official notice;
 12. Leaving job without permission;
 13. Engaging in outside employment while on sick leave; and

14. Insubordination - failure to obey order of supervisor.

B. Group Two Offenses:

First Offense - Written notice and 2-5 days suspension without pay

Second Offense - Dismissal

1. Reporting for work while intoxicated, or under the influence of intoxicants or drugs;
2. Operation of County vehicles in excess of posted speed limits except by law enforcement and public safety officers in performance of their duties;
3. Reckless driving of County vehicles and/or reckless operation of County equipment;
4. Transportation of unauthorized passengers;
5. Any act of negligence which reflects disregard for the safety of persons or property;
6. Failure to report an equipment accident in which the employee was involved;
7. Unreasonable refusal to give testimony when accidents are being investigated, subject to individual rights guaranteed by the 5th and 14th Amendments to the U.S. Constitution;
8. Unauthorized use of County property for private work or performing private work on County time;
9. Malicious damage to County property or property of others;
10. Theft or unauthorized removal of County records or property or employee property.
11. Soliciting - asking for or indicating in any way that householders should compensate or give the employee or employees money or things of value;

6. Being in possession of or drinking alcoholic beverages on the job (except where carried by law enforcement officers in official performance of their duties);
7. Unauthorized carrying, possession or use of firearms, explosives, or any lethal weapon on County property at any time or while representing the County in an official or work related activity;
8. Knowingly harboring a communicable disease, such as hepatitis, which may endanger other employees;
9. Fighting or attempting injury to others;
10. Operating a County vehicle without a valid operator's permit;
11. Operating a County vehicle while under the influence of intoxicants or other self-administered drugs; and
12. Refusal to use or wear proper safety equipment, as required by County policy.

IV. ENFORCEMENT

- A. No disciplinary action which includes a suspension, demotion, or dismissal may be instituted against an employee without at least a hearing between the employee and his/her department head. The department head will conduct the hearing or may delegate it to an appropriate supervisor. The ultimate decision as to what action, if any, will be taken, rests with the department head following review and approval by the Personnel Specialist.
- B. If, after an appropriate hearing, the department takes disciplinary action against the employee, the subject employee may appeal said disciplinary action in accordance with the County's Grievance Procedure.
- C. Disciplinary action whether verbal or written shall be instituted against an employee in accordance with the following procedures:
 1. Advise the employee of the rule or regulation which he/she is alleged to have violated;

2. Advise the employee of the evidence and witnesses concerning such violations;
3. Give the employee an opportunity, if so desired, to respond to the charges against him and to give his own version;
4. Advise the employee of what specific disciplinary action, if any, will be taken; and
5. Implement the specific disciplinary action in accordance with the prescribed corrective action procedures contained in this Personnel Policy